

## ATTEMPTS MURDER THEN TAKES POISON

**Pahala Chinaman Was Desperate—Japanese in Kona Dies of Injuries.**

(Mail Special to The Advertiser.)  
HILO, November 20.—After shooting his wife, a Porto Rican, and a Porto Rican man who attempted to defend her, a Chinese at Pahala, Kau, last week gave himself up to the police and then committed suicide by taking poison.

As far as can be learned the Chinese and his Porto Rican wife had been living unhappily for some time past. She had several times threatened to leave him, and finally she carried her threat into effect. She went to the house of friends, intending to take the steamer the next day, when her husband came to see her. He asked her to come back to him, and to give him one more trial. The woman was obstinate, however, and the husband suddenly pulled a gun and shot her. He then turned the gun on one of the men in the house and shot him. The man's wound is quite serious, but the woman is not badly hurt.

The Chinese then went to his room, and a little later he gave himself up to the police. Fifty minutes after his surrender he died in the jail. It was evident that he had poisoned himself, and on investigation a package of "Paris green" was found in his room. It is believed that he used this as a means for ending his life.

**The Shooting in Kona.**  
Another shooting, which ended in the death of a Japanese and the wounding of another at the hand of young Henriquez, a son of the well known Kona rancher, Joe G. Henriquez, took place in Kona last week.

According to the report brought from Kona by L. S. Augst, Henriquez Sr. had had a dispute with the Japanese who were his tenants. Henriquez had ejected them from his land on account of nonfulfillment of the conditions of the lease. The Japanese wanted to remove the improvements, tanks, etc., and had taken them down, but Henriquez claimed that these could not be removed, and left his son with a revolver to guard the lumber throughout the night.

The following morning the father appeared on the scene with Officer Kamaoka. The old man attempted to prevent by force the Japanese from removing the lumber, and picked up a stick, but whether he actually struck the men is not known. One of the Japanese pulled a knife and slashed Henriquez Sr. across the side, inflicting a cut six inches long, but not serious. It seems that this happened so quickly that the father Henriquez did not even know that he had been cut, but the son called out to him: "Father, you have been cut," and at the same time he pulled his revolver from his legging and fired, placing a bullet in the abdomen of the Japanese, who died the following day. The other Japanese, it seems, ran towards young Henriquez, who retreated, firing, hitting this man in the shoulder.

Young Henriquez, who is about twenty-two years old, has been arrested. Deputy County Attorney Heen is handling the case.

## CHANNEL DREDGING WILL BE DELAYED

From the present outlook no dredging work will be started on the Honolulu channel contract by the Standard-American Dredging Company until about February, according to Major Wooten, army engineer in charge of such work. The Standard-American Company was given an amended contract by which it agrees to do the work for considerably less than the contract price, if allowed a delay in the starting of the work, owing largely to the fact that its dredger, the Turbine, now engaged on work at Pearl Harbor, will not be available until January.

Major Wooten states that both the contracts for the Hilo breakwater and the Kahului dredging have been signed up by the Philadelphia Breakwater Company and the Hawaiian Dredging Company, respectively.

It is reported from Washington that the navy department may award the contract for building the concrete storehouse at Pearl Harbor naval station to Lord-Young company of Honolulu, for which the company bid \$82,000. There is less probability, however, that the department will make an award to the same company for the building of the administration building, as the bid was far above the appropriation available. A combination of the two bids brings the total under the total appropriation for the two buildings, but the appropriation items are separate and had to be bid against separately.

## CIRCUIT COURT IS AGAIN REVERSED

Once more the efficacy of appeal, for one side at least, is demonstrated. Yesterday the supreme court reversed a circuit court ruling on appeal in the case of Kani and Kahalekui versus Ben King, also known as Yan Lee.

This was an action between a landlord and a tenant, heard in the first circuit court. The landlord sought to recover some rent alleged to be due. The circuit court granted the motion for a summary judgment. Exception was taken to this by the plaintiff and the supreme court in its decision sustained the exception, and set aside the order.

The supreme court held that in an action by a tenant against a landlord to recover rent the plaintiff is not required to prove the balance due, but to prove title to the disputed premises.

## WILLS, TOO, WOULD SLASH A LITTLE

**Says Attorney General Cannot Appear for Defendants in Injunction Proceedings.**

(From Thursday's Advertiser.)  
Harry T. Mills has a decided objection to anybody cutting his banana trees down, because, he says, he needs them himself, but he would if he had his way, do a little weeding out himself.

For instance, he would like to have Attorney-General Lindsay and Deputy Sutton prohibited from appearing for the defendants in the injunction proceedings brought against Doctor Currie, J. S. B. Pratt, Walter Dillingham and E. J. Buchbee.

Mills says that it is not legal for the attorney-general or his deputy to appear in such cases. He says that the law on the point is plain, and in no way ambiguous. The attorney-general and his staff are there to aid in the protection of private property, and the duty is a continuing one. The attorney-general should have looked into the facts of the case before engaging in it, Mills says.

Mills has also filed a motion to have the supplemental answers by Doctor Currie and E. J. Buchbee struck from the files, on the grounds that the answers are in fact and in truth a confession of the allegations of fact contained in the plaintiff's bill for an injunction.

The supplemental answers merely said that neither Doctor Currie nor Buchbee would do anything in the matter.

**The Poi Cases Again.**

Once more the closing of Chinese poi shops during the cholera scare is brought up. Yesterday City Attorney Catehart filed a demurrer to the complaint of Lam Pong, doing business under the name of Kwong Wo Lung.

The city attorney stated that the complaint did not state facts sufficient to constitute a cause of action. The damages claimed by the plaintiff are \$1040.

**Wong Fook's Estate.**

Yesterday Wong Kong Yon, administrator of the estate of the late Wong Fook, filed an inventory, which showed that the estate comprised \$229.50 cash received from Theo. Davies & Co., Ltd.

## LOUISISSON SAYS IT'S TOO EARLY TO TALK

HILO, November 20.—Abe Louissou blew into town last week from Hanalei, stayed a day or two and flew up to the volcano, and stayed there until he grew homesick for the coffee trees again. It appears that the boom for Louissou for delegate to congress is gradually assuming big proportions. With his usual reticence Louissou was averse to saying anything on the matter. "I assure you that a large number of people have written me, asking me to run. I have been asked by many Hilo people. Will I run? Ah, I have to be careful with these newspapermen. It is too early to talk yet."

Howard Pyle, the American artist and author, died at Florence, Italy, of heart failure.

## PERFECT DIGESTION

**Depends Upon Proper Diet and a Supply of Pure Rich Blood.**

What then is the common sense thing to do to get permanent relief from stomach trouble? First, you should correct any errors in diet; then you must restore the stomach to its normal strength by supplying it with pure rich blood.

Therefore, don't go about your treatment blindly but start at once to build up your blood with Dr. Williams' Pink Pills for Pale People and as the blood is made richer and purer, the stomach will become stronger until a perfect digestion is enjoyed.

Mrs. M. E. Rhamey, of No. 910 Washington street, Chillicothe, Mo., experimented with all kinds of medicines for five years, then gave this common sense treatment a trial. She says: "I was greatly afflicted with stomach trouble for nearly five years. My stomach was left weak after typhoid-malaria. I was confined to my bed for ten weeks at one time and was not able to lift my head from the pillow. I had terrible pains in my stomach and side and could not eat solid food without great distress. I had no appetite and lived mostly on milk for weeks. My stomach was sour all of the time and was filled with gas. I was bloated all over my body and suffered every thing."

"I was treated by several physicians, who pronounced my trouble chronic indigestion. I took their medicine until my stomach would no longer retain it and they said they could do no more for me. About this time I read about Dr. Williams' Pink Pills for Pale People and thought I would give them a trial. The pills seemed to help me right away. They lasted and strengthened my stomach so that I was able to eat a hearty meal without distress. The pills did not simply relieve me for the time being but permanently cured me. I shall always recommend Dr. Williams' Pink Pills for Pale People."

For a more complete explanation of the use of Dr. Williams' Pink Pills for Pale People in stomach trouble, send today for a free copy of our booklet, "How to Eat and How to Live." Its instructions are so plain and so particularly helpful.

Dr. Williams' Pink Pills should also be used in anemia, indigestion, nervousness and various forms of blood-poor blood, now known.

Dr. Williams' Pink Pills are sold by all druggists and will be sent, postage, on receipt of price, by mail, or on receipt of price, by mail, or on receipt of price, by mail.

## PUTTY EVIDENCE GIVEN IN COURT

**Testimony Tends to Show Fraud in Homestead Case, but Is Denied.**

(Mail Special to The Advertiser.)  
HILO, November 20.—With the reopening of the Henderson case, which is the test case in connection with the granting of homestead patents in the Kaiwika Third Tract, in the local court last Saturday, the putty testimony of Osorio, who holds the lot opposite to Hendersons, was placed in evidence and caused much amusement.

Osorio was called as a witness for the government. He stated that he had been one of the Kaiwika settlers, but had lived on his lot only a few days a week. He didn't know Henderson, but believed that the Henderson lot was claimed by the plantation. He thought that if the plantation got the Henderson lot from the government, he (Osorio) might be able to get a patent to his, when he could show that he had resided on his lot, as much as Henderson had resided on the other.

With the purpose of securing proof in regard to Henderson's non-residence on his lot, he had, on a Sunday in October, 1908, plugged the Henderson keyhole with putty. After that he had from time to time examined the keyhole and had always found the putty there, until, after it had remained in position three months, he had himself scraped the putty out.

**Unshaken on Cross-Examination.**

On cross-examination Irwin tried to get Osorio to admit that Attorney Perry had bid for the lot, which Henderson got, for Osorio's son, but the witness would make no such admission. Osorio also testified that, when the lots were originally offered at auction, much of the bidding for settlers was conducted by the manager of the plantation.

On the other side Henderson and Fraser testified positively that Henderson had lived in the house in the months during which the keyhole was supposed to have been plugged up. To this was added testimony by Fraser and Capellas, who had examined the lock and were positive that it could not have been plugged as reported by Osorio. They added that Henderson often took papers and letters to his house when the mail happened to arrive just before he was starting for that place. Otherwise he would read these at Hanalei. They had found in the homestead house letters and papers the dates of which showed that they had arrived during the keyhole period.

**Plantation in Control.**

In the Souza case, which followed that of Henderson, the evidence was in many instances of the same general character. There was a dispute about the trees, the settler claiming that a certain species, of which he had 125, was a tree, while the deputy attorney claimed it was a shrub.

In both the Souza and the Henderson case an important factor was the agreement between the settlers and the plantation. It appears from the evidence that there was a documentary agreement between them relative to cultivation, etc., and providing for an elaborate system of bookkeeping, but that this agreement had been immediately abandoned, or, at least, merged into a verbal agreement whereby the plantation attended to the entire cultivation of the crop, and paid the settler a flat rate of \$5 a year per acre.

On the other hand, the government admitted that Marston Campbell, the land commissioner, had made out the patents for the settlers, and that he had even sent them to the Governor for his signature, when the holdup came.

The cases have now been submitted, and briefs will be filed later. Deputy Attorney-General Smith returned to Honolulu today.

## VALUE JOHN NOTT'S ESTATE AT \$7,500

Owing to the necessity of fixing up some contracts and other odd jobs left undone at the date of John Nott's death, Fred Harrison was yesterday appointed special administrator of the estate, pending the hearing of the petition for letters of administration.

A petition was presented to Judge Robinson yesterday morning for letters of administration signed by Alice Rasmussen, Emma V. Harrison, Lillie Haglund and Marie Brown, daughters of the late John Nott. The petition will come on for regular hearing in about six weeks.

The petitioners stated that the estate is worth about \$7,500, and consists of stock-in-trade in the business of plumbing and blacksmithing carried on by the deceased, a life insurance policy of \$5000, stock in sundry corporations, and personal property.

The heirs are: Margaret Conklin of New York City, Alice Rasmussen, Emma V. Harrison, Lillie Haglund and Marie Brown, daughters, and all of Honolulu; William Nott, son, of San Francisco, and Irene Burke and Hazel Branch, granddaughters both living in San Francisco.

**PRESIDENT TAFT BETTER.**

WASHINGTON, November 22.—President Taft is rapidly conquering from the acute cold he has been suffering from for a week.

Managers of three large Boston hotels have refused to allow the Gilets, an organization of traveling men which seeks to donate a Bible to every hotel room in the country, to place Bibles in their hotel rooms. Seven thousand Bibles have been distributed, however, in other hotels in Boston.

## CRIMINAL COURT CALENDAR VARIED

**Hilo Judge to Have Everything From Murder Down to Hear About.**

(Mail Special to The Advertiser.)  
HILO, November 20.—The criminal calendar for the present term of the circuit court is quite an imposing one. It contains no less than eighteen cases, and there are more to come.

There are two cases of murder in the first degree. Lazarro Pamanian is charged with having stabbed another Filipino at Eight Miles, Olan. Shimamura Eida, a Japanese from Panshau, is alleged to have killed another Japanese in a three-cornered row over money matters.

In five cases the charge is assault with a weapon. Juan Berenaldo is alleged to have cut a lady on the back with a cane knife at Amalu. Filipo Santiago is alleged to have carved a Porto Rican in a Waianae brawl. Antonio Perry and Julian Mercado are supposed to have operated on a Porto Rican with a razor at Hakalan. Maximilio Monte is alleged to have slashed a fellow-countryman with a razor at Kaupakoo. Matsune Dunsenko is charged with having cut up another Japanese in a row over a lady of shady reputation on Front street.

Kulanikula, the Hawaiian who is alleged to have killed a Japanese in the course of a raid on gamblers at Laupahoehoe, will be tried on a manslaughter charge. Nah Fook Chun is charged with having stolen some clothing from a Japanese at Amalu. Arakawa, a Japanese, is charged with having tried to bribe Police Officer Dan Polkanahi, at Laupahoehoe. The case of A. Riddle, the automobile doctor whose essence created some interest when he was fined in the district court, is on the calendar on an appeal. The charge is disturbing the quiet of the night.

Three bunches of Koreans appear on separate charges of riot, all the cases growing out of the battle which took place between Japanese and Korean laborers at Kapoho some time ago. Taji Fajunaka appeals from a sentence imposed on her for selling liquor without a license at Paka. Lau Ting Fong, who is alleged to have thrown a cup at a Filipino; and Mrs. Karita, who is believed to have broken the arm of a Porto Rican whom she attacked with a stick, are both charged with assault and battery. Manuel Furtado completes the calendar with his presence on a charge of gross cheat. He is charged with having appropriated money which he had been given to turn over to John Baker.

In addition to these cases there will be placed on the calendar a Chinese gross cheat case from Honokaa, the papers in which have not arrived in Hilo yet.

## HAS KONA ITS OWN "TYPHOID MARY"?

(Mail Special to The Advertiser.)  
HILO, November 20.—Chief Sanitary Officer Bowman went to Kona last week, having received orders from the board of health to make a thorough investigation of the typhoid situation there. As a matter of fact, the big Kawailoa epidemic is probably a thing of the past.

One of the things which Bowman had to do was to examine the score or so of persons who were still held in quarantine, to determine whether these might be released without danger to the community.

The most important point was, however, to determine whether the constantly recurring Kona epidemics did not owe their origin to the presence in the district of a "carrier" of the infection, such as have been found in New York and other places; that is a person who carries the infection for long periods of time without being visibly ill himself. The Honolulu health authorities are strongly inclined to believe that there is such a carrier in Kona. Bowman stated, before he left Hilo, that he had for some time been working on this supposition, which he believed to be correct, but he believed that the carrier had died.

Another matter which required Bowman's attention on his return from Kona was an outbreak of diphtheria in the Honokaa mill camp, where several children are ill with this disease.

## MAHUKONA WHARF CONTRACT AWARDED

A. Wilson is the successful bidder for the construction of the extension of the Mahukona wharf, his bid being \$13,200 as against \$13,900 submitted by the Concrete Construction Company. The bids were opened at two-thirty o'clock yesterday afternoon by the harbor commission.

The bid is for the extension of the landing, a derrick, macadamized approach and a forty-foot width iron bridge between the new and old wharves.

The bid for the wharf shed was considered too high, and the commission will undertake to have its own engineers build the shed out of an appropriation of less than \$400.

**FOLLOWS NATURE'S PLAN.**

Medicine that did nature's way always most effective. Chamberlain's Cough Remedy acts on this plan. It attacks the cough, relieves the lungs, opens the airways and aids nature in restoring the system to a healthy condition. Thousands have testified to its superior excellence. For sale by all druggists. Beware of cheap imitations. Chamberlain, Smith & Co., Ltd., Agents for Hawaii.

## WHERE AMERICA HAS FALLEN BACK

**Hilo Judge Points to Necessity of Eliminating Nonessentials in Criminal Trials.**

The fact that the judicial system in the United States has not kept up to the progress of the world was referred to in the address made to the grand jury of the fourth circuit court by Judge Parsons of Hilo on Monday last, an address powerful in the good sense shown throughout it. In part, Judge Parsons said:

"Gentlemen of the Grand Jury:—This session not only concludes your duties as grand jurors for the year but it also marks the close of an epoch of judicial procedure in this circuit."

"Hereafter, instead of holding four terms of court at intervals designated without reference to the business to be transacted, we shall have but one term a year, and that a continuous one, which will permit the calling of juries whenever the cases upon the calendar are sufficient in number so to warrant, which will do away with the needless waste of time between August and November made necessary under existing statutes, which will prevent a congested calendar at certain times in the year, and which will assure prisoners awaiting trial a speedy disposition of their cases."

"The new statute is but one of several attempts to break away from antiquated customs and from those of more recent growth which have been allowed to retard the transaction of legal business."

"Since the days when Jeremy Bentham wrote his scathing denunciation of legal rules of evidence the methods provided by our various lawmaking bodies for sifting truth from falsehood in judicial proceedings and for doing justice between parties have been undergoing changes more rapidly in other countries than in our own. The abuses in criminal procedure have here grown to such an extent that our chief executive has been led to characterize them, less specifically, but in terms quite as denunciatory as those of Bentham."

"The supreme court has appointed a committee of its own members to recommend changes in federal procedure, and Mr. Justice Linton is reported to have gone abroad with a view to studying more intimately foreign systems in order that he may make suggestions for the improvement of our own."

"But it should be borne in mind that many of the imperfections in our own system are due to custom and not to statutory enactment or to the want of legislation. Fault has been found with our courts for acting simply as umpires in an extremely intricate game played by the attorneys, in which the adjudication of right and wrong seems frequently, to the layman, to be merely incidental. Our courts have been censured, with more or less reason, for assuming no controlling part in trials, for permitting needless delays, for sustaining technical objections which do not go to the merits of the matters under consideration, for countenancing appeals to passion and prejudice, and for giving to juries only such instructions as have been prepared by the interested parties; but these abuses, where they exist, are due more to the hesitancy on the part of courts to stop encroachments which by repetition have become customs than they are to defects in the law itself."

"While it may not now be customary for active part in the trial of cases, as is done in England and in Continental countries, in the law to prevent such participation in jury waived cases, nor is there in jury cases provided bias is not shown; and in many instances where courts have been in the habit of keeping a litigant strictly within his legal rights, namely, in ruling upon objections to questions because they are leading, or because they are not proper upon direct examination, or in passing upon motions to reopen a case for the purpose of introducing testimony previously omitted, a different and more liberal course—a course more conducive to an understanding on the part of the jury of the material facts of the case—would have been possible under the discretion with which courts are vested in such matters."

"Without any amendment of present laws, courts may also restrain attorneys when making appeals to prejudice and may confine them to a discussion of the issues involved; and by preparing their own charges courts may, without error, exclude many of the misleading instructions requested by the interested parties."

"So it may be seen that the so-called conservatism which frequently excludes a consideration of material facts in a case and which allows an easily intelligible statute to be stated obscurely to the jury is not always necessary by law."

"In the matters named courts have earned the adverse criticism which is daily increasing in press and magazine, more because of fear of being led into judicial impropriety than of committing reversible error."

"Likewise many of the proposed measures of reformation in the treatment of prisoners need no new statutes as a prerequisite to their adoption. Sir Robert Anderson, late chief of Scotland Yard, has recommended the adoption of reformatory rather than punitive measures toward first or occasional offenders, and long terms for professional criminals, with measures looking toward compulsory reformation in the system, and provision for the support of the families of convicts during the latter's incarceration. His views attracted wide attention in England and met with much adverse criticism on the part of the ultra-conservative. Without amending a statute or creating a new one, many, but not all, of his views may today be carried into effect in this Territory under the instructions of the judges."

## PROSECUTION FAILS ONCE MORE

**Because Informer Skipped, Brown Advised Nol. Pros.—Man Is Coming Back.**

(From Thursday's Advertiser.)  
Ah Sing was up before Judge Cooper yesterday morning charged with having sold liquor without a license. Fortunately for him the principal witness—Harriman Henry—has left the Territory, so his case was nolle prosequat at the solicitation of Deputy City Attorney Brown.

Ah Sing was alleged to have sold drink to Harriman Henry some weeks ago. Henry was mixed up in the fracas on board the schooner R. C. Blade many months ago. He was acquitted of having had an active part in that, but the federal grand jury preferred a charge of perjury against him. The Sailors' Union, when it discovered that Henry had acted for the Territory to elude a charge of illicit selling against Ah Sing, stopped its maintenance money. Henry then left, but was caught in Los Angeles, where he is now being held pending the receipt of the necessary documents. He is to be returned here as soon as possible, for two local Chinese are under heavy bonds to have him appear when called upon to answer the charge.

Yesterday A. M. Brown related all this, and stated that the prosecution depended on Henry for its case. Without him, it was useless to proceed. Therefore, Judge Cooper was asked to permit a nolle prosequat to be entered, and then if the man were ever brought back, Ah Sing could be called upon again to answer the charge.

The court concurred with the deputy attorney's request, and the defendant was dismissed.

## HELLO BILL NOT IN FAVOR ON HAWAII

HILO, November 20.—When the county fathers some months ago positively refused to grant Judge Matthewman's demands for the paying of auto hire for Claudius McBride, they thought they had given the judge a salutary lesson in economy. But they were mistaken, for at the last meeting of the board, Matthewman went even the daily Claudian ride stunt one better, namely by filing a claim as follows:

"July 31. To rent for telephone at residence of John Albert Matthewman, judge third circuit, for the month ended July 31—\$5.00."

This was followed by similar demands for five a month each for a 'phone at the judge's house for August, September and October. Added to this was a bunch of demands, \$5 a month for the same months, for a 'phone at the private residence of the clerk of the court. It goes without saying that the supervisors absolutely refused to consider such a proposition, and the demands were enforced with the familiar "not allowed," which is now becoming quite a usual thing with John Albert's demands.

In addition to this, the supervisors deferred paying a claim of \$10 for steamer fare for one H. Simons, who is acting court reporter. They wanted further information.

Seeing that the supervisors would not stand for the use of public money to pay for his private 'phone, Matthewman apparently remembered the old proverb about the various ways in which felons may be deprived of their estate. So he sent the whole bunch of claims to Auditor Maguire, asking him to pay them straight off, without bothering about the supervisory approval. Maguire will ask the county attorney for an opinion as to whether he can do so legally or not. He adds that if he is told that he can issue the warrants, he will certainly exercise his auditorial authority and hold up the 'phone claims, which he deems utterly improper. The Simons' claim, however, he is inclined to deem proper.

Luther Burbank, the naturalist, announces that he has produced a blackberry bush that has no thorns, after ten years' constant effort to remove the thorns.

~~~~~  
sentence act and under the act which permits judges in proper cases to suspend sentence for thirteen months.

"Few of the abuses which it is claimed our system fosters have obtained a foothold in this jurisdiction. This has been due, in a large measure, to present and decide cases upon their merits, with only sufficient regard to the tacit cooperation of counsel and for technicalities to prevent a setting aside of the verdict or a reversal upon exceptions. This procedure was especially noticeable at the last term of this court when every case heard upon the criminal calendar was tried on the day for which it had been originally set; when the trial of no case occupied more than two days; when the deputy county attorney presented all the material evidence against each defendant succinctly and in logical sequence, without rancor and without undue eagerness to convict; when counsel for the defendants interposed few objections except such as went to the merits of the respective cases; when counsel for defendants rarely sought to introduce evidence except such as might helpfully be considered in their clients' defense, and when in their addresses they fairly summed up the evidence and made few if any attempts to befog the issues or to appeal to the prejudices of the jurors."

The verdicts rendered at that term showed clearly that the jurors had an intelligent grasp of each case and that they were willing to decide each issue of fact involved upon the law and the evidence."